

Samuel Lasser (SBN - 252754)

slasser@edelson.com

EDELSON PC

1934 Divisadero Street

San Francisco, California 94115

Tel: 415.994.9930

Fax: 415.776.8047

Jay Edelson (Admitted *Pro Hac Vice*)

jedelson@edelson.com

Rafey S. Balabanian (Admitted *Pro Hac Vice*)

rbalabanian@edelson.com

Benjamin S. Thomassen (Admitted *Pro Hac Vice*)

bthomassen@edelson.com

Amir Missaghi (Admitted *Pro Hac Vice*)

amissaghi@edelson.com

EDELSON PC

350 North LaSalle Street, Suite 1300

Chicago, Illinois 60654

Tel: 312.589.6370

Fax: 312.589.6378

Attorneys for Plaintiff

JOSHUA SMITH

Teresa H. Michaud, State Bar No. 296329

teresa.michaud@bakermckenzie.com

Christina M. Wong, State Bar No. 288171

christina.wong@bakermckenzie.com

BAKER & McKENZIE LLP

Two Embarcadero Center, 11th Floor

San Francisco, CA 94111-3802

Telephone: +1 415 576 3022

Facsimile: +1 415 576 3099

Mark D. Taylor (Admitted *Pro Hac Vice*)

mark.taylor@bakermckenzie.com

BAKER & McKENZIE LLP

2300 Trammell Crow Center

2001 Ross Avenue

Dallas, TX 75201

Telephone: +1 214 978 3000

Facsimile: +1 214 978 3099

Attorneys for Defendants

PEGATRON USA, INC., ASROCK

AMERICA, INC., and FATALITY, INC.,

d/b/a FATALITY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSHUA SMITH, individually and on

behalf of all others similarly situated,

Plaintiff,

v.

PEGATRON USA, INC., a California
corporation, ASROCK AMERICA, INC., a
California corporation, and FATALITY, INC.,
d/b/a Fatal1ty, Inc., a Missouri corporation,

Defendants.

Case No. 3:14-cv-01822-CRB

HON. CHARLES R. BREYER

JOINT STIPULATION EXTENDING
TIME TO FILE SECOND AMENDED
COMPLAINT

First Amended Complaint Filed:
July 3, 2014

1 WHEREAS, Plaintiff Joshua Smith (“Plaintiff”) filed his First Amended Class Action
2 Complaint on July 3, 2014, against Defendants Pegatron USA, ASRock America, Inc., and
3 Fatality, Inc (“Defendants.”) (Dkt. 34.)

4 WHEREAS, as set forth in their March 13, 2015 Joint Case Management Statement, and in
5 light of the documents and information exchanged between the parties, Plaintiff indicated his
6 intention to file an amended complaint, which would dismiss Pegatron USA and add ASRock, Inc.
7 as a party-defendant. (Dkt. 65 § V.)

8 WHEREAS, following the parties’ March 20, 2015 case management conference, the
9 Court instructed Plaintiff to file his amended complaint by April 10, 2015. (Dkt. 67.)

10 WHEREAS, because the parties are continuing to engage in good faith and productive
11 settlement discussions, the parties believe that a brief, seven (7) day extension of Plaintiff’s current
12 amendment deadline (i.e., from April 10, 2015 to April 17, 2015) will provide the them with a full
13 opportunity to complete their discussions, which have the potential to result in dismissal of this
14 case.

15 WHEREAS, the stipulation is not being filed for purposes of delay, but rather, to avoid the
16 filing of additional pleadings that may be unnecessary.

17 THEREFORE, the parties hereby stipulate and agree as follows:

18 **STIPULATION**

19 1. The parties, by and through their undersigned counsel, hereby stipulate and
20 respectfully request that Plaintiff’s deadline to file a second amended complaint be extended by
21 seven (7) days, until April 17, 2015. The reason for the requested extension of time is to provide
22 the parties with a sufficient opportunity to complete their settlement discussions.

23 2. Three other time modifications have been previously made by stipulation in this
24 matter. On May 13, 2014, and May 27, 2014, the parties stipulated that the time for Defendant to
25 respond to the Complaint would be extended. (*See* Dkt. 19, 25.) On September 2, 2014, the parties
26 stipulated that the time for Defendant to respond to the First Amended Complaint be extended.
27 (*See* Dkt. 43.) No other time modifications have been ordered by the Court.

3. All parties agree to the stipulation as indicated by their signatures below. The parties respectfully request that the Court approve the stipulation, pursuant to Civil L.R. 6-2 and enter an Order thereupon. A form of Proposed Order is filed herewith.

* * *

Respectfully submitted,

Dated: April 10, 2015

BAKER & McKENZIE LLP

By: /s/ Mark D. Taylor

Mark D. Taylor (Admitted *Pro Hac Vice*)

mark.taylor@bakermckenzie.com

BAKER & McKENZIE LLP

2300 Trammell Crow Center

2001 Ross Avenue

Dallas, TX 75201

Telephone: +1 214 978 3000

Facsimile: +1 214 978 3099

Dated: April 10, 2015

EDELSON PC

By: /s/ Benjamin S. Thomassen

Benjamin S. Thomassen (Admitted *Pro Hac Vice*)

bthomassen@edelson.com

EDELSON PC

350 North LaSalle Street, Suite 1300

Chicago, Illinois 60654

Tel: 312.589.6370

Fax: 312.589.6378

Attorneys for Plaintiff

JOSHUA SMITH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: April 10, 2015

/s/ Benjamin S. Thomassen
Benjamin S. Thomassen

""ORDER

The Court having considered the above joint request, and good standing appearing therefore, HEREBY ORDERS that Plaintiff shall have until April 17, 2015, to file his second amended complaint.

IT IS SO ORDERED.

Dated: Crtki'35."4237

